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General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 21 June 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest incidents in the ongoing Palestinian campaign of terrorism against the citizens of Israel.

Shortly after 9:00 p.m. (local time) last night, two Palestinian terrorists, armed with assault rifles and hand grenades, infiltrated the community of Itamar, broke into a private home, and opened fire on the family inside. When security forces arrived, the terrorists engaged them in an intense gunfight that continued for over an hour until the terrorists were subdued. Among the dead were Rachel Shabo and three of her children: Neria, age 16, Zvika, age 12, and Avishai, age 5; two other Shabo children were among the eight Israelis wounded in the attack. Yosef Tuwito, a security guard, was killed when he tried to come to the aid of the Shabo family. The Popular Front for the Liberation of Palestine, a terrorist group headquartered in Damascus, claimed responsibility for the attack.

On Wednesday evening, at approximately 7:00 p.m. (local time), a Palestinian suicide bomber blew himself up in a neighbourhood of northern Jerusalem. It was the third suicide bombing in Israel in as many days, and the second in Jerusalem within 36 hours. After disembarking from a car, a Palestinian terrorist began running towards a bus stop crowded with several dozen people. Israeli policemen were attempting to stop him when he detonated charges packed with nails and other projectiles designed to increase the pain and suffering of the victims. The force of the explosion killed 7 Israelis, several of them teenagers, as well as an infant girl; 43 others were wounded, one of them critically. The Al Aqsa Brigades, an internationally recognized terrorist organization under the authority of Palestinian Authority Chairman Yasser Arafat, claimed responsibility for the bombing in a statement sent to Hizbullah's Al Manar television station in Lebanon.

Among those affected by Wednesday's bombing were three generations of women from the same family. Noa Alon, age 60, was walking with her daughter Penina and two grandchildren — 5-year-old Gal and 18-month-old Sagi — at the time of the explosion. Noa, who was walking ahead of the others, bore the brunt of the explosion and died of her wounds. Gal, whose small body could not withstand

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the force, was also killed. Penina, suffering from a head wound and other scratches and bruises, is recovering in a Jerusalem hospital.

The Government of Israel holds the Palestinian Authority fully responsible for these attacks. The Palestinian Authority's financial, organizational and ideological support for terrorism continues unabated while it continues its attempts to obscure such support through disingenuous renunciations of terrorism issued for the benefit of Western audiences. Chairman Arafat's apparent condemnations betray the fact that he has not fundamentally rejected the legitimacy of murdering Israeli civilians, but rather is concerned that such acts "have given the Israeli Government the excuse" to take defensive measures. That Wednesday's bombing was perpetrated by members of Chairman Arafat's own Fatah faction serves to further underscore the insincerity of Chairman Arafat's statements and the depth of official Palestinian involvement in the murder of Israeli civilians.

Israel continues to await any steps by the Palestinian side that might prevent further acts of terrorism, including action to arrest and disarm members of its own forces, as well as those of Hamas, Islamic Jihad and other groups currently planning to carry out attacks against Israeli civilians. No agreement capable of addressing the legitimate needs and aspirations of both sides will be possible so long as terrorism remains the chosen tactic of the Palestinian leadership. Until such time as the Palestinian leadership genuinely renounces terrorism and is prepared to use its authority to fight rather than promote terrorism, Israel will be left with no choice but to act in accordance with its legitimate right to self-defence in order to protect its citizens from the constant threat of Palestinian terrorism.

I submit this letter in follow-up to my numerous letters detailing the campaign of Palestinian terrorism that began in September 2000.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

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Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 25 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of the statement of 23 June 2002 by the Ministry of Foreign Affairs of the Republic of Cuba on the warning issued by the Republic of Cuba concerning a possible escape by the notorious terrorist Luis Posada Carriles.

I should be grateful if you could have the text of this letter and its annex circulated as a document of the General Assembly under agenda item 166 and as a document of the Security Council.

(*Signed*) Orlando **Requeijo Gual**
Ambassador
Chargé d'affaires a.i.

02-44231 (E) 260602 260602

Annex to the letter dated 25 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

Note from the Ministry of Foreign Affairs of the Republic of Cuba

Warning of possible escape of the notorious terrorist Luis Posada Carriles

The Ministry of Foreign Affairs has learnt that Mr. Rogelio Cruz, defence lawyer of the notorious terrorist Luis Posada Carriles, recently announced that his client had been transferred to a private clinic in Panama on the grounds of deteriorating health.

In view of this news, the Ministry considers it necessary to recall how the trial against Luis Posada Carriles was conducted, since it was characterized from the outset by irregularities, politically motivated decisions and actions designed to encourage escape by the terrorists or impunity for their crimes.

Shortly after the authorities of the Republic of Panama had rejected the justified extradition request made by the Cuban judicial authorities against the four terrorists, for crimes committed by them for decades against our people, as fully documented in four extradition applications with over 2,000 pages, a group of labour, student and indigenous organizations in the Republic of Panama submitted four complaints against the detained terrorists.

Our people will recall that the attack planned against the life of the Commander-in-Chief was to be perpetrated in the auditorium of the University of Panama, during a manifestation of solidarity with Cuba. If it had not been for the cooperation of the Cuban security agencies and the rapid action by the Panamanian security agencies, hundreds of people would have perished, including Panamanian workers, students and indigenous persons participating in the manifestation.

At the time, these four complaints were inexplicably rejected by a Panamanian court. Although the organizations concerned appealed to the Supreme Court of Panama, on the grounds that the complaints were relevant to the trial taking place against the four terrorists, they are still awaiting a decision from the highest tribunal of the Republic of Panama. If this opinion is favourable, these complaints would provide the Panamanian courts with additional elements enabling them to judge and sentence the accused.

Simultaneously with this lack of decision, our people also learnt that, because of judicial procedures existing in the Republic of Panama, the four terrorists would be tried not for attempted murder (for which more severe penalties could obviously be imposed on them) but solely for possession of weapons, complicity to commit an offence, offences against public safety and illegal entry into the country (offences of lesser seriousness).

In addition, attempts were made by Panamanian members of the judiciary to recuse themselves from presiding over the tribunal that would judge the case, so that once again the intervention of Panama's higher courts was required.

Concurrently with these strange events, there has been unusual activity by the Miami terrorist Mafia, with repeated trips to Panama, appearances by some of their leaders on Panamanian television and even interviews with Panamanian authorities, all related to the case of the four detained terrorists and their attempts to achieve impunity for their accomplices.

Our Government even found that terrorists of Cuban origin residing in United States territory who had participated with Luis Posada Carriles and his accomplices in the failed attack of November 2000 against Comrade Fidel and who were also being sought by our judicial authorities for other terrorist acts against Cuba were among those regularly visiting the terrorists in Panama.

These include the terrorist Santiago Alvarez Fernández-Magriña. He is the subject of Case No. 10 of the year 2001 before the Investigative Organ of the Department of State Security of the Republic of Cuba, which shows that he financed and organized an attempt to infiltrate our country by three individuals belonging to the F-4 terrorist organization, based in the state of Florida, in the United States, who were captured at sea by security agencies of the Republic of Cuba after a fight and who were in possession of automatic and semi-automatic rifles and other military-type weapons.

Consequently, in accordance with the Panamanian Judicial Code and with international practice, the Ministry of Foreign Affairs requested on 16 May 2002, through the Cuban Embassy in Panama, the provisional detention for purposes of extradition of the above-mentioned terrorist Santiago Alvarez Fernández-Magriña.

It is well known that such persons who travel regularly from Miami to intercede for detained terrorists are organizing escape plans and providing the necessary resources for their execution, in a plot similar to the one which enabled Luis Posada Carriles to escape from a Venezuelan prison.

In addition, in recent weeks, following the request for extradition of Posada Carriles submitted by the Bolivarian Republic of Venezuela, the lawyer Rogelio Cruz himself published a paid article in the Panamanian press in which he tried to claim that his client had not "escaped" from a Venezuelan prison but had simply "departed" on foot without being stopped by anyone. He also tried to plead the innocence of Luis Posada Carriles of the Barbados crime, describing him as a scapegoat unjustly accused by our Government. Mr. Rogelio Cruz seems to have forgotten the accounts given by the terrorist Posada Carriles himself a few years ago to the American press, in which he not only acknowledged his crimes against Cuba and its people but boasted of them.

In addition to the unjustified rejection by the authorities of the Republic of Panama of the Cuban extradition request, the lack of response to the extradition request made by the Bolivarian Republic of Venezuela, the numerous judicial irregularities that we have witnessed in this trial and the constant visits to Panama by Miami Mafiosi, now we have the transfer of the terrorist Luis Posada Carriles to the San Fernando private clinic, instead of to the prisoners' ward in the Santo Tomás Hospital, where the Panamanian authorities have the necessary security arrangements to prevent the escape which is perhaps being plotted.

The Ministry of Foreign Affairs cannot help but find this procedure most strange, especially as it was authorized by the President of the Second Tribunal of the Republic of Panama, Mr. Joaquín Ortega, who at the time rejected the

complaints brought against the four terrorists by the Panamanian labour, student and indigenous organizations.

On previous occasions, when these terrorists have been transferred to hospital facilities without proper supervision or adequate security, our Government has complained that the transfer of terrorists to such facilities is one of the steps towards a possible escape and has alerted the Panamanian authorities to their responsibility to ensure that such dangerous and sinister persons, who are supported and given financial and other resources by their terrorist network in Central America and the United States, do not escape justice.

On this occasion, the Ministry of Foreign Affairs is issuing a similar warning to prevent a possible escape by the terrorist Posada Carriles and has again reminded the Panamanian authorities of their responsibility to take appropriate measures to prevent the execution of the plans formulated and financed by terrorist groups of Cuban origin currently operating with impunity from the territory of the United States, where some of them and their leaders have such excellent relations with Mr. Bush that they participated in his act of 20 May 2002.

Havana, 23 June 2002

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Fifty-sixth session
Agenda items 41, 42, 54, 97 and 98

Question of Palestine

The situation in the Middle East

Consequences of the Iraqi occupation of and aggression against Kuwait

Sustainable development and international economic cooperation

Environment and sustainable development

Security Council
Fifty-seventh year

Letter dated 20 June 2002 from the Permanent Representative of Oman to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the press communiqué adopted during the eighty-third session of the Ministerial Council of the Gulf Cooperation Council held in Jeddah, Kingdom of Saudi Arabia, on 8 June 2002, under the Chairmanship of H.E. Mr. Yousef Bin Alawi Bin Abdullah, Minister Responsible for Foreign Affairs of the Sultanate of Oman.

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under agenda items 41, 42, 54, 97 and 98, and of the Security Council.

(*Signed*) Fuad Mubarak **Al-Hinai**
Ambassador
Permanent Representative

02-44853 (E) 030702 030702

Annex to the letter dated 20 June 2002 from the Permanent Representative of Oman to the United Nations addressed to the Secretary-General

[Original: Arabic]

Press communiqué issued by the Ministerial Council of the Gulf Cooperation Council at its eighty-third session, held in Jeddah, Saudi Arabia, on 8 June 2002

The Ministerial Council of the Gulf Cooperation Council (GCC) held its eighty-third session in Jeddah, Saudi Arabia, under the chairmanship of His Excellency Mr. Yousef bin Alawi bin Abdullah, Minister for Foreign Affairs of Oman and the Chairman-in-Office of the Ministerial Council. The meeting was attended by:

His Excellency Mr. Rashid bin Abdullah al-Nuaimi, Minister for Foreign Affairs of the United Arab Emirates;

His Excellency Sheikh Mohammed bin Mubarak Al Khalifa, Minister for Foreign Affairs of Bahrain;

His Royal Highness Prince Saud al-Faisal, Minister for Foreign Affairs of Saudi Arabia;

His Excellency Sheikh Hamad bin Jasim bin Jabr Al Thani, Minister for Foreign Affairs of Qatar; and

His Excellency Sheikh Muhammad Sabah al-Salem al-Sabah, Minister of State for Foreign Affairs of Kuwait.

Abdulrahman bin Hamad al-Atiyyah, GCC Secretary-General, also participated in the meeting.

The Council conveyed its sincere congratulations and good wishes to His Royal Highness Sheikh Hamad bin Isa al-Khalifa, King of Bahrain, and to his loyal people, on the successful outcome of the parliamentary elections in the Kingdom.

The Council welcomed the agreement that had been reached between Qatar and the United Arab Emirates on diplomatic and consular cooperation between the two fraternal countries and affirmed that this auspicious step would strengthen the bonds of brotherhood and cooperation and would give an impetus to joint activities among the GCC States.

The Council went on to review recent developments in cooperation among the GCC States and developments in regional, inter-Arab and international political events.

I. Cooperation

In compliance with the decision of the Supreme Council at its fourth consultative meeting, the Ministerial Council studied practical ways and means of giving effect to the valuable ideas put forward at that meeting by His Royal Highness, Prince Abdullah bin Abdul Aziz, Deputy Custodian of the Two Holy

Mosques, designed to expedite economic integration among the GCC States and to give effect to the decisions taken by the Gulf Cooperation Council to establish the common market in the Gulf and to promote cooperation among the GCC States in the political, economic, social and military spheres.

The Council considered the outcome of the meetings of the ministerial committees concerned with economic affairs and reviewed the outcome of the fifty-sixth and fifty-seventh meetings of the Committee on Financial and Economic Cooperation concerning the implementation of the customs union of the GCC States early in 2003 and the follow up of the implementation of the time schedule of the currency union in preparation for the issuance of the unified currency of the GCC States by 2010. It also considered a report on new developments in economic relations between the GCC States and economic groupings, and on the conclusions of the Committee on Financial and Economic Cooperation at its most recent meeting concerning the promotion of economic relations between the GCC States and China. The Council approved the proposals of the Committee on Scientific and Technical Cooperation concerning support for private sector scientific research centres for the utilization and introduction of modern technology.

The Council was also informed of the outcome of a number of meetings related to man and the environment, chief among them being curriculum development issues, cooperation with the Red Crescent Societies in the GCC States and the results of the follow up of the question of establishing reception facilities for ballast water and garbage from ships and the accession of the GCC States to the International Convention for the Prevention of Pollution from Ships (MARPOL). The Ministerial Council adopted appropriate decisions on those matters.

The Council considered a report on the progress of military cooperation, expressed its satisfaction and what had been achieved, looking forward to other achievements in that area, and was informed of the steps taken to implement the decision of the Supreme Council at its twenty-second session concerning media activity in the GCC States.

II. Political issues

The Ministerial Council studied the situation between Kuwait and Iraq in the light of the resolutions adopted by the Supreme Council at its previous sessions and the positive outcome of the Arab Summit Conference held in Beirut on 27 and 28 March 2002 which had contributed to the strengthening of regional security and cooperation.

The Council expressed its hope that what had been agreed on at the Conference would lead to concrete and practical steps conducive to the implementation of the relevant international resolutions, particularly with regard to Kuwaiti prisoners and detainees and the nationals of other States, the restitution of Kuwaiti property and the prevention of any repetition of the events of 1990.

The Ministerial Council recalled the resolutions of the Supreme Council concerning the three islands, the Greater Tunb, the Lesser Tunb and Abu Moussa, which belonged to the United Arab Emirates and reaffirmed its adherence to the consistent stand taken by the GCC States in support of the right of the United Arab Emirates to sovereignty over its three islands.

The Ministerial Council took note of the contacts that had taken place recently between the United Arab Emirates and the Islamic Republic of Iran, in particular the important visit to Iran by His Royal Highness Sheikh Hamdan bin Zayed al-Nahyan, Minister of State for Foreign Affairs, and hoped that that visit, and the expected visit to the United Arab Emirates by His Excellency President Mohammad Khatami, would lead to positive steps conducive to strengthening the relations between the two neighbouring countries, and would strengthen the ties of friendship, deepen the existing cooperation between the GCC States and the Islamic Republic of Iran and place security and stability in the region on a sound footing.

The Ministerial Council reviewed the deterioration of the situation in the occupied Palestinian territories as a result of the ongoing brutal campaign by the Israeli forces which had entered a number of Palestinian towns and were continuing to kill civilians and to destroy houses. It condemned those acts of barbarism and emphasized that the continuation of violence was a disservice to the efforts to establish peace and prevented the Palestinian National Authority from carrying out its functions for the maintenance of security and stability.

The Ministerial Council also reviewed the inter-Arab and international efforts to end the violence in the Palestinian territories and bring about the Israeli withdrawal from the occupied territories and the resumption of negotiations, and affirmed that a comprehensive, just and lasting peace in the region was a strategic option and that the initiative of His Royal Highness Prince Abdullah bin Abdul Aziz, Deputy Custodian of the Two Holy Mosques, which had been adopted by the Arab Summit Conference in Beirut in March 2002, formed a comprehensive basis for a peaceful settlement in the framework of international law and should be the basis of any future negotiations and of any serious initiative designed to achieve a just, comprehensive and lasting settlement in the region.

The Council expressed its grave concern at the increasing tension between Pakistan and India and the dangerous deterioration in the situation and, in view of the desire of the GCC States for the establishment of security and stability in both countries and in the region, called on the parties to exercise restraint, to halt the military escalation in order to safeguard the interests of the two neighbouring countries, to display wisdom and to resolve the differences between them through negotiations and by peaceful means on the basis of the principle of good-neighbourliness and common interest.

The Ministerial Council expressed its condolences to the people and Government of the fraternal Syrian Arab Republic and extended its sympathy to the families of those who had lost their lives as a result of the collapse of the Zayzoun Dam.

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Agenda item 62
Question of Cyprus

Security Council
Fifty-seventh year

Letter dated 26 June 2002 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 25 June 2002 addressed to you by Aytuğ Plümer, representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

02-44782 (E) 010702

Annex to the letter dated 26 June 2002 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

25 June 2002

Upon instructions from my Government and with reference to the letter dated 28 May 2002 (A/56/966-S/2002/587) addressed to you by the Greek Cypriot representative to the United Nations, raising questions in relation to the recent visit of the Turkish oceanographic research vessel *Piri Reis* to the Turkish Republic of Northern Cyprus, I would like to bring to your kind attention the following.

At the outset, I wish to underline that the protestation by the Greek Cypriot representative is totally unwarranted and misleading, as it emanates from the Greek Cypriot's side's unfounded claim to be the sole sovereign authority over the whole island. The reality is that the Greek Cypriot Administration has no jurisdiction, control or authority whatsoever over the national territory, airspace or territorial waters of the Turkish Republic of Northern Cyprus. Therefore, the so-called declaration by the Greek Cypriot side on the closure of certain ports that are under the control of the Government of the Turkish Republic of Northern Cyprus.

The navigation of ships in the territorial waters of the Turkish Republic of Northern Cyprus and the use of port facilities take place with the full knowledge and consent of the appropriate authorities of the State. In this context, the visit of the above-mentioned vessel to the Turkish Republic of Northern Cyprus is a matter that concerns the Turkish Republic of Northern Cyprus and Turkey as two sovereign independent States that recognize each other.

I would also like to point out that the geological and geophysical research activities by said vessel have been conducted within the limits of the continental shelf and the territorial waters of Turkey and the Turkish Republic of Northern Cyprus. These activities are under the jurisdiction of Turkey and the Turkish Republic of Northern Cyprus and are conducted within their own territorial waters in accordance with international law. All activities in this field have been carried out with due regard to international regulations and in a manner in which the interests of third parties are duly protected. Every necessary measure has been taken to ensure that international navigation in the region is not affected in any way.

It should be recalled in this connection that since the beginning of 2001, a considerable number of seismic research activities have been conducted in the eastern Mediterranean, especially in the open seas to the east, south and south-west of the island. A number of these research activities have been carried out by ships flying the Greek Cypriot flag. During this period, the Greek Cypriot Administration has also been engaged in the unilateral exploration of ocean-bed resources. These activities will, needless to say, have negative repercussions on the search for a comprehensive settlement in Cyprus and also on the stability of the eastern Mediterranean region.

The Greek Cypriot policy of tension and the accompanying barrage of unfounded allegations demonstrate that the Greek Cypriot side is far from coming to terms with the reality in Cyprus, i.e., the existence of two separate sovereign States representing the two peoples. At a time when the two sides are engaged in direct talks on the basis of the agreement reached between President Denktaş and

Mr. Clerides on 4 December 2001 (S/2002/1162, annex), the persistent claim of the Greek Cypriot Administration to be the sole sovereign authority over the whole island is the real provocation and an impediment to a negotiated settlement. Furthermore, the threat posed to the prevailing peace and stability on the island by the excessive build-up of arms and armed forces by the Greek Cypriot side is self-evident. The likely repercussions of the rearmament campaign of the Greek Cypriot side and the ongoing implementation of the "joint military doctrine" with Greece on the ongoing direct talks between the two parties in Cyprus should be kept in mind.

I trust that all parties who wish to contribute to the efforts for the finding of a solution to the Cyprus issue will see to it that the Greek Cypriot side abandons its policy of tension and unilateral actions, which threaten peace and stability in our region.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

United Nations A/56/999

General Assembly

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Fifty-sixth session
Agenda item 125
Scale of assessments for the apportionment of the expenses of the United Nations

Letter dated 5 July 2002 from the Secretary-General to the President of the General Assembly

1. At present 18 Member States are in arrears under the terms of Article 19 of the Charter of the United Nations, which states as follows:

> "A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

2. The minimum payments necessary to reduce the amounts owed by those Member States on their contributions so that they remain below the gross amount assessed for the preceding two full years (2000 and 2001) are as follows:

Member States	*Minimum payment (United States dollars)*
Burundi	47 000.00
Central African Republic	297 800.00
Chad	11 700.00
Comoros	721 400.00
Georgia	6 744 700.00
Guinea-Bissau	436 600.00
Iraq	12 399 800.00
Kyrgyzstan	204 900.00
Liberia	1 068 200.00
Mauritania	11 700.00
Niger	327 500.00
Republic of Moldova	2 445 743.00
Sao Tome and Principe	567 000.00

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Member States	*Minimum payment (United States dollars)*
Seychelles	2 400.00
Somalia	968 300.00
Tajikistan	1 816 573.35
Uzbekistan	1 377 300.00
Vanuatu	6 700.00

(*Signed*) Kofi **Annan**
Secretary-General

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Security Council

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General Assembly
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Agenda item 43

Security Council
Fifty-seventh year

The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

Summary

The present report describes the continued implementation of the Bonn Agreement, including the successful conclusion of the Emergency Loya Jirga held from 11 to 19 June 2002. Despite some imperfections in the nomination and selection of delegates and incidents of intimidation during the Loya Jirga itself, it is noteworthy that such an enormous logistical undertaking was carried out within a very tight schedule and accomplished the tasks of electing the Head of State and approving the structures and appointment of the Transitional Authority.

The report also outlines the continuing challenges faced by both the Transitional Authority and the international community. One of the most important tasks ahead is to ensure sufficient funding for humanitarian and recovery activities. The report describes the organizational and operational progress made by the United Nations system in the areas of humanitarian relief, recovery and reconstruction. However, it also notes that donor funding has slowed dramatically, affecting the United Nations capacity to process the return of refugees as well as the Government's ability to fund its basic services and extend its presence beyond Kabul.

Another major cause for concern remains the issue of security. While the International Security Assistance Force (ISAF) has made a very positive impact on the security situation in Kabul, continuing insecurity in many parts of the country entails the risk of impeding progress on the political front. It has also affected humanitarian activities. The Secretary-General therefore strongly advocates a limited expansion of ISAF beyond Kabul.

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BEST COPY AVAILABLE

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1401 (2002), adopted on 28 March 2002, and General Assembly resolution 56/220 A, adopted on 21 December 2001. It covers the period since the previous report on this item was issued on 18 March 2002 (A/56/875-S/2002/278).

II. Implementation of the Bonn Agreement: establishment and progress of the Interim Administration

2. Implementation of the Bonn Agreement of 5 December 2001, in which Afghan parties pledged to engage in a process of transition to a freely elected constitutional and democratic Government, represents the best chance to put an end to 23 years of war in Afghanistan. As a result of that Agreement, on 22 December 2001 an Interim Administration was established under the chairmanship of Hamid Karzai. The Interim Administration led Afghanistan for six months, before transferring power to a Transitional Authority established through the Emergency Loya Jirga, held from 11 to 19 June 2002 in accordance with the terms of the Bonn Agreement.

3. The Interim Administration faced a number of difficult tasks at its inception. Most importantly, it faced a fractured and decentralized disposition of power throughout Afghanistan. The long years of war had produced and sustained numerous armed factions with vested economic and political interests in the areas they controlled. As a result, a pattern of fragmented military rule under various commanders from different political and ethnic backgrounds filled much of the vacant political space created by the fall of the Taliban. These commanders publicly endorsed the Bonn Agreement and the Interim Administration, but at the same time kept their options open, having much to lose by ceding their economic and political power to the central authorities. Some were loyal to members of the Interim Administration, but this did not necessarily make them loyal to the Administration itself. Such a pattern of fragmentation has been particularly evident in the Pashtun-populated areas of the south and east, due to the sudden demise of the Taliban and ongoing operations against Taliban and Al-Qa'idah remnants.

4. As a result, in many parts of the country the relationship between the provincial governments and the central Government has been distant and unstructured. Attempts to extend centralized control have frequently been thwarted by regional military figures and governors who have continued, in many cases, to place their own interests above the national interest.

5. Faced with these considerable challenges, the Interim Administration attempted, with very few resources and no real army or security force, to extend its writ beyond Kabul. Its accomplishments in this regard were limited, though they were perhaps greater than most observers have suggested. Against a wave of opposition in drug-producing areas, for example, the Interim Administration demonstrated its commitment to poppy eradication by issuing and partly implementing a decree against the cultivation and export of opium, under which poppy with an estimated street value of $8 billion was destroyed.

6. With the assistance of the United Nations Development Programme (UNDP)-administered Afghan Interim Authority Fund, the Interim Administration was able to pay the salaries of teachers and civil servants in Kabul and some provinces. For the first six months of the year, this fund will have paid monthly salaries to 197,000 civil servants. The fund was also used to coordinate responses to several humanitarian crises outside Kabul, including the earthquake in Nahrin. The Interim Administration adopted a number of decrees on issues such as army recruitment, national and international investment law, rebuilding of schools and the protection of forests.

7. The Interim Administration's efforts to extend its influence and control have been hampered above all by the limited resources at its disposal. These limitations have affected its ability to provide services, build roads and create jobs. In the absence of a visible peace dividend in certain parts of the country, local populations have continued to turn to regional commanders and existing local authorities for support, thereby strengthening already dominant regional identities at the expense of both the central Government and national unity. On a more positive note, a growing number of Afghans seek to strengthen links with the central Government as a counterweight to local power structures, which are often associated with military rule. Appeals to the central Government

will no doubt increase if it is able to demonstrate accountability and effectiveness.

8. The Interim Administration's limited ability to raise revenue was largely due to the fact that customs duties were captured by regional authorities to support their own administrations, thereby reducing their dependency on Kabul and strengthening their personal and political power.

9. Much of the cost of the Interim Administration, including rehabilitation of basic infrastructure in addition to civil service salaries, was borne by the international community through donations to the Afghan Interim Authority Fund. Following the inauguration of the Transitional Administration, the Afghan Reconstruction Trust Fund, established to meet longer-term needs, assumed responsibility for paying civil service salaries during the transitional Government, pending the development of a sufficient revenue base.

III. Implementation of the Bonn Agreement: the commissions

10. The Bonn Agreement provides for the establishment of a number of commissions, namely, a Special Independent Commission for the Convening of the Emergency Loya Jirga, a Human Rights Commission, a Civil Service Commission and a Judicial Commission.

11. The establishment of the Special Independent Commission for the Convening of the Emergency Loya Jirga was announced by Chairman Karzai in my presence, during my visit to Afghanistan on 25 January 2002. The Loya Jirga process and the role of the Special Commission are described in greater detail below (see paras. 28-42).

12. The Judicial Commission, which consists of 16 eminent Afghan scholars, legal practitioners and jurists, was established by decree on 21 May. A subsequent decree was promulgated on 6 June by the Chairman of the Interim Administration. It outlines the specific powers and functions of the Commission, which is tasked under the Bonn Agreement with rebuilding the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions. Several working groups are to be set up on different thematic issues related to the Afghan justice sector. Each working group will be chaired by a member of the Judicial Commission, with other members of the Commission, external consultants and experts participating in and contributing to its work.

13. The decree describing the functions and powers of the Civil Service Commission was finalized some time ago, but the Commission itself has not yet been established. It now seems that President Karzai may decide to expand its mandate to cover all aspects of administrative reform under the leadership of one of the Vice-Presidents.

14. The Human Rights Commission, comprising experts, both men and women, from all major ethnic groups, was established by decree on 6 June. This Commission was the product of a national consultative process between Afghan human rights activists, the Interim Administration and the United Nations. Consultations were held on the following themes: the development of a national programme of human rights education; approaches to human rights monitoring, investigation and remedial action; and the advancement of the rights of women. The mandate of the Commission is daunting, but its successful implementation will be of great service to the ongoing transition in Afghanistan. The Commissioners deserve the full support of the international community. Shortly after the Loya Jirga, President Karzai named Sima Samar, former Minister for Women's Affairs, as Chairperson of the Commission.

15. The human rights situation in Afghanistan clearly requires the presence of strong human rights institutions. In recent weeks, the United Nations Assistance Mission in Afghanistan (UNAMA) has had to approach local and national authorities on a range of human rights problems, including inhumane conditions in the Shiberghan prison, attacks on minorities and aid workers in the north, and scattered acts of Loya Jirga-related intimidation around the country. My Special Representative and his staff have consistently intervened with local commanders, regional authorities and national officials, and have insisted on full accountability for perpetrators.

16. In this respect, the lack of progress and transparency regarding the investigation into the murder of the Minister for Civil Aviation and Tourism, Abdul Rahman, four months after his killing is deeply disappointing. The politically motivated arrests and

month-long detention — without trial or the issuing of charges — of alleged Hezb-e-Islami activists in April by the National Directorate for Security highlighted the need to bring the security services under the rule of law. In this regard, President Karzai's promise to establish a commission to overhaul the National Directorate for Security is a welcome development.

17. With regard to freedom of the press, after the issuance in February 2002 of a "press law decree" that elicited much criticism for its prescriptive nature, the Ministry of Information and Culture issued a statement on the reconstruction and development of media in Afghanistan. The statement announced a thorough review of media policy based on the recognition of the role of the press as a major factor of transparency and accountability in Afghanistan.

IV. Security

18. Security in Afghanistan remains a cause for concern. In addition to actions by ex-Taliban and Al-Qa'idah forces that explicitly oppose the Bonn process, the presence of armed factions that nominally support the process continues to pose a threat to the consolidation of peace and civil government in the country. This is particularly problematic in the north, where a long-standing rivalry between the Jumbesh and Jamiat factions negatively affects the general security situation. This rivalry has prevented the establishment of effective security in Mazar city, despite the efforts of the Interim Administration and UNAMA to establish a separation of forces and a neutral, multi-ethnic police force. In this context of impunity and insecurity, a number of armed attacks and robberies have been carried out against international aid organizations in the last several weeks. Most serious and contemptible was the attack on a female international aid worker. My Special Representative intervened at both the national and the local level to insist that this alarming situation be addressed and that those responsible for these criminal acts be held accountable under the law. Regrettably, these incidents, as well as the earlier murder of a local United Nations staff member, have yet to be properly followed up by the authorities. No credible measures to address these security problems have been taken at the time of writing of this report. On 6 July, a few days after the draft of the present report was finalized, Vice-President Haji Abdul Qadir was assassinated in Kabul. I was deeply disturbed and saddened by this murder, and I have urged the Afghan authorities to conduct a thorough investigation so as to bring the perpetrators to justice.

19. Sporadic fighting and skirmishes have also occurred in Uruzgan, Laghman, Kunar, Wardak, Paktia, Khost and Nimruz provinces. Disputed governorships have destabilized several provinces, with the central Government frequently unable to quell military opposition to Governors it has legitimately named.

20. Absent truly national security forces and the expansion of the International Security Assistance Force (ISAF), Afghanistan remains hostage to this prevailing insecurity. Lack of tangible improvement in the security situation could seriously undermine the political and reconstruction efforts.

21. In this regard, I welcome progress made towards the reform of the security sector during two special meetings of donors in Geneva in April and May. At both meetings, the Interim Administration produced progressive and comprehensive papers outlining its vision of an armed force of 80,000 men, which would be overseen by a national security council and a defence council. A budget of $300 million for the armed forces was proposed for the next year. The budget includes payment of salaries, provision of basic equipment and the renovation of barracks. UNAMA has established a trust fund for the payment of salaries and the provision of non-lethal equipment for the Afghan armed forces, and UNDP has established a law and order trust fund for integrated donor support to meet the costs of police salaries and capacity-building. Together with the nations designated to lead the various subsectors of security sector reform,[1] UNAMA believes that institutional reform of the security sector and civilian oversight are necessary.

22. A concrete achievement in the security sector has been the creation of the first battalion of the National Guard, which was trained by ISAF. The battalion performed impeccably its assigned task of providing security for the Loya Jirga site. The United States of America has started an 18-month training programme that, it is hoped, will eventually provide 11,500 troops for the new Afghan army and border guard, and France is carrying out a parallel army training programme.

[1] The United States for the training of the armed forces; the United Kingdom for counter-narcotics; Italy for the justice sector; Germany for the police; and UNAMA/ Japan for reintegration and demobilization.

23. Serious problems, however, were encountered in assembling an ethnically and regionally balanced group of recruits for the first battalion of the National Guard. Similar difficulties are being experienced by the United States and French trainers. In addition, well over one third of the soldiers of the first battalion have, regrettably, left the unit since completing their training, due to a lack of support from the Ministry of Defence. This experience foreshadows the difficulty that will be faced during the creation and training of new armed forces in the absence of genuinely agreed national structures to form, house, equip and deploy these forces. The announcement of the establishment of a Commission for the specific purpose of creating the national army is a step in the right direction. This Commission must now begin to work earnestly and effectively.

24. It is important to realize that these new units will not be able to provide adequate security in Afghanistan for many months to come. In particular, they will not be available for most of the critical transitional period of the next 18 months. I therefore continue to believe that a limited expansion of ISAF to areas outside of Kabul would make a huge contribution to the consolidation of peace, and should be considered.

25. In Kabul, ISAF has continued to have a very positive impact on security, in conjunction with the Afghan police and other domestic security forces. The Joint Coordination Body, bringing together the Ministries of Defence and Interior, ISAF and UNAMA, continues to provide a forum for the discussion, coordination and resolution of security issues in Kabul. An example of the progress made in the field of security cooperation between the domestic security agencies, ISAF and UNAMA was the comprehensive security plan drawn up by these parties for the protection of the Emergency Loya Jirga.

26. In this context, I welcome the fact that on 23 May the Security Council extended ISAF's mandate for another six months beyond 20 June. On 20 June, the Turkish armed forces assumed command of ISAF from the United Kingdom. I take this opportunity to congratulate Major General McColl and the British headquarters battalion on their steadfast performance during the first mandate of ISAF. I also express the gratitude of the United Nations to the Turkish Government and the other troop contributors for their critical and ongoing contribution to the consolidation of peace in Afghanistan.

27. Regarding the creation of a new Afghan police force, Germany, as lead nation, has been making progress. A total of 82 officers have so far completed the "train the trainers" course. These newly appointed police trainers are scheduled to begin training 3,200 officers in the first week of August. Also, India has agreed to train an additional 220 officers in specialized areas, including investigation techniques, logistics and personnel management. To ensure that the police do not operate in a legal vacuum, however, it is important that the new Judicial Commission expeditiously formulate its programme, and that the Transitional Administration translate that programme into specific reforms.

V. Emergency Loya Jirga process

28. In my report dated 18 March 2002, I stressed the importance of the Emergency Loya Jirga and the overwhelming support it enjoyed among the Afghan population. At the same time, I expressed concern that, given the high political stakes of the Loya Jirga, political pressure would be applied by those who sought to gain or maintain positions of power. Developments since then have borne out this assessment, though the fact that the Loya Jirga took place at all, despite political and logistical difficulties, is a significant achievement.

29. The process of selecting approximately 1,000 delegates from 390 districts of Afghanistan, which began on 16 April in the north-western region and ended on 6 June in Kabul, demonstrated the extraordinary support that the Loya Jirga enjoyed throughout the country, in spite of the marked ethnic and political differences within and between the regions of Afghanistan. For seven weeks, teams organized by the Special Independent Commission, accompanied by UNAMA staff and international monitors, criss-crossed the country, reaching out to the most remote settlements. Most of the time, they received a very positive response from the population as thousands, and sometimes tens of thousands, gathered in district assemblies to participate in the Loya Jirga process. The 200 women delegates selected for the Loya Jirga were particularly active. The additional fact that more than 20 of them were elected is not insignificant, given the severe oppression of women by the Taliban over the last five years.

30. As expected, the Loya Jirga process was not without difficulties. Some were of a logistical nature, since access to a number of districts was inhibited by geography or weather conditions. Other problems related to the state of insecurity that existed due to tensions or open conflict between tribes and local commanders in some regions. These problems were particularly evident in the south-east (Gardez), the north (Mazar-e-Sharif) and the westernmost districts of the Hazarajat (Daikundi). A broader problem resulted from the very success of the Loya Jirga process. Indeed, while the momentum of the Emergency Loya Jirga muted the criticism heard from some extremist groups at the beginning of the process, its obvious importance prodded certain commanders to seek political legitimacy through the Loya Jirga. As a result, attempts by local commanders and authorities to control the outcome of the selection process by money or by intimidation were evident in different regions at one time or another. Incidents in a dozen districts were deemed serious enough by the members of the Special Independent Commission to warrant the cancellation of district elections.

31. There were several incidents of intimidation during the Loya Jirga itself, some involving the National Directorate for Security, and further incidents in the aftermath of the consultation. My Special Representative consistently addressed these cases, including through his strong representations to Governors, commanders and the highest authorities of the Interim Administration, urging them to cooperate with the Special Independent Commission and to take firm steps to protect the integrity of the Loya Jirga and its delegates.

32. While the United Nations was determined to do everything possible to help prevent and correct abuses of power, it was in the nature of an open and public consultative exercise like the Loya Jirga to reflect the reality of the power structure in the country. In that light, keeping commanders out of the Loya Jirga process proved impossible. It could also be argued that it was not desirable. The Loya Jirga provided an opportunity not only for the people of Afghanistan to express their views, but also for the power structure inherited from decades of war to resolve internal differences through political means rather than by violence. In this spirit, the Interim Administration asked the Commission to invite the Governors and other selected leaders to participate in the Loya Jirga. The Interim Administration considered that, in the fragile context of a country emerging from decades of conflict, and where military operations are in fact ongoing, engaging the various factions politically was a necessity.

33. The United Nations and the international community also gave critical logistical support to the Special Independent Commission and the Loya Jirga process. This included providing transport (including an important air operation), premises and communication facilities. Contractors were called upon to prepare eight regional election sites, and the Agency for Development Cooperation (GTZ), a German non-governmental organization, rehabilitated part of the Polytechnic Institute in Kabul and installed several tents to house the Loya Jirga itself.

34. Of equal importance were the exceptional security measures provided by the joint action of the Ministries of Defence and Interior, the National Directorate for Security, the Special Independent Commission for the Convening of the Emergency Loya Jirga and ISAF. These measures succeeded in deterring action by extremist groups. Even these measures, however, could not prevent the firing of rockets at residential areas of Kabul, distant from the Polytechnic, in the last days of the Loya Jirga. Fortunately, these did not cause casualties.

35. The proceedings of the Emergency Loya Jirga reflected the current stage of the country's political development. Recurring themes throughout the speeches by delegates from the various provinces included the need to promote national unity in spite of political and ethnic differences; the need to address insecurity in many parts of the country, in particular through disarmament; the need to create a national army that would absorb the multiplicity of local and regional militias; the reform of security agencies; the need to expand education and physical reconstruction to all parts of the country; the need to bring about an ethnically balanced Government; and the need to curb corruption and patronage, directing spending at the population rather than at government officials.

36. While a strong consensus in favour of positive change prevailed on these issues, real political differences also emerged, in particular over the role of the former King and over a fundamentalist agenda put forward by some members of *jihadi* parties. Chairman Karzai emerged from these confrontations as a

consensus candidate for the presidency of the Transitional Administration. Elected overwhelmingly by secret ballot — with 1,295 votes out of 1,575 — he proved to be reassuring to the moderates and the intellectuals, acceptable to the *jihadi* parties and the choice of those who, for ethnic or political reasons, see him as the only option to offset the weight of the Tajik Shura-e-Nazar faction. His election constituted the highlight of the Emergency Loya Jirga.

37. It is a hopeful signal for the long-term future — and a credit to the activism and organization of the women delegates — that, for the first time in Afghan history, a woman, Massouda Jalal, ran for the highest office in government, earning second place to Chairman Karzai in the secret-ballot for President. No less important, another woman was elected by secret ballot as Deputy Chairperson of the Loya Jirga. In collaboration with the Ministry of Women's Affairs, UNAMA had conducted an induction course for the women delegates to the Loya Jirga and provided advice and assistance to them throughout the assembly. A dividend of this collaboration was the creation of a national network of Afghan women delegates that will last beyond the Loya Jirga. UNAMA will continue to lend all possible assistance to the Ministry of Women's Affairs in promoting this process.

38. With regard to transitional structures, President Karzai supported the establishment, already suggested by the Special Independent Commission though not stipulated in the Bonn Agreement, of a transitional national assembly whose members would be selected from among the delegates. This idea was endorsed broadly by the Loya Jirga, but the debate bogged down in disagreements over equitable representation of different regions and ethnic groups. In the end, President Karzai suggested that the concept and the mode of election of the assembly be revisited at a later stage, based on the recommendations of an advisory committee to be selected by the Loya Jirga.

39. While discussions about a national assembly ended in deadlock, the debate on structures provided an opportunity for President Karzai to address the main concerns voiced during the first part of the Loya Jirga. In particular, he recalled the establishment of the Human Rights, Judicial and Civil Service Commissions, which would deal with some of the issues mentioned by delegates. In addition, he promised the early establishment of new national commissions to review and oversee the following areas: national security and defence; formation of a new, broad-based national army that could be trusted by all Afghans; reform of the intelligence services with a view to preventing abuses; the use of foreign assistance; balancing of radio and television programming in order to ensure that the coverage is not biased towards the Government; return of property confiscated from individuals under the communist regime and during the war; ways in which foreign investment could be facilitated and corruption curbed; and privatization of State enterprises. He also announced that mayors would be elected, that military commanders assigned to the various regions would be rotated on a regular basis in order to avoid the creation of vested interests and abuses of authority and that the new Government would include "advisory ministers" to protect the interests of special categories such as nomads and professionals.

40. Consultations undertaken by President Karzai on the last item on the agenda, key personnel of the future Transitional Administration, also proved difficult. Since Bonn, it had been understood that one of the main goals of the Emergency Loya Jirga was to form a Transitional Administration that would be more legitimate, more effective and more balanced than the Interim Administration. There was broad expectation that the new Administration would break the monopoly on security forces (army, police and intelligence services) held by Shura-e-Nazar and, in particular, its senior members from the Panjshir district.

41. On 19 June, following intense consultations, President Karzai announced the names of 14 Ministers and 3 Vice-Presidents, who were subsequently endorsed by the Loya Jirga. The intensity of the pressure that President Karzai was subjected to was demonstrated by the number of days he needed to complete selection of his Cabinet and by his failure to reduce its size (it is in fact larger than that of the Interim Administration). The final Cabinet of the Transitional Administration is composed of 5 Vice-Presidents, 3 Special or National Advisers with Cabinet status, and 30 Ministries. The ethnic balance has changed slightly, with Pashtun representation increasing to just under 50 per cent, and Tajik representation reduced to below one third. There are also three women in the Cabinet. Many observers were disappointed at the inclusion of warlords and faction leaders in the Transitional Administration. The argument of President Karzai and his supporters that

the fragile peace and national unity require the continued participation of major factional leaders will certainly be accepted both inside and outside of Afghanistan. But those leaders must live up to their commitment to national unity, and must integrate their forces within a genuinely national army and an effective national police. In other words, it is imperative for the new Government to make a consistent effort to demonstrate that it has the will and the capacity to deliver on President Karzai's commitment to reform, fairness, reinforced security, stability, national unity and reconstruction.

42. In spite of its shortcomings, the Loya Jirga process has enhanced the prospect of stabilization in Afghanistan. Its legacy includes the promotion of a new standard of legitimacy: namely, that power should be based on popular participation rather than military might — a standard that the warlords themselves had to acknowledge.

VI. Humanitarian relief, recovery and reconstruction

43. Progress has been made in the planning and implementation of UNAMA's relief, recovery and rehabilitation mandate, and in developing its relationship with the Interim Authority. The United Nations system has also made progress organizationally and operationally, with the initiation of planned coordination and management mechanisms.

44. In April, the National Development Framework presented by the Interim Administration to the donor community laid out 12 programme areas in three pillars (Humanitarian and Human/Social Capital, Physical Reconstruction and Natural Resources, and Trade and Investment). These have been organized into programme groups composed of Government, United Nations and non-governmental organization actors. For each programme area, a programme secretariat (normally a United Nations agency, multilateral institution or non-governmental organization) will be appointed to do the following: help manage the programme group, assist the Government to develop strong operational coordination mechanisms, provide technical support in the preparation of the national development budget and channel resources to national capacity-building. Extensive negotiations with the Interim Authority have now culminated in the appointment of the eight initial programme secretariats.[2]

45. United Nations agencies appointed as programme secretariats have been faced with the challenge of helping the Government prepare a national development budget for the period through 31 March 2003. The programme groups have been given responsibility for formulating and recommending national objectives, strategies and policies, and ensuring that an appropriate mix of projects, defined by need, are available for funding. UNAMA supports the national development budget process, and will assist the Government in bringing the needs of Afghanistan to the attention of donors. A process of decentralizing responsibility for area development programming to area offices and provinces has also begun, so that the United Nations and other partners can work together rapidly and flexibly to design area-appropriate programming. These programmes will make use of modest resources to catalyse integrated development in areas of the country most affected by war, the return of refugees and internally displaced persons, and drought.

46. Meanwhile, in January 2002, UNDP launched the Recovery and Employment Afghanistan Programme, which created more than 600,000 man-days of employment for nearly 15,000 persons. Beyond providing fair and dignified employment to participants, the initiative has to date injected $1.8 million into neighbourhoods and villages that lacked economic opportunities. UNDP and the United Nations Office for Project Services have also been engaged in creating jobs in 11 provinces nationwide. Most of these longer-term construction projects focus on the education, infrastructure, health, water and sanitation sectors. So far, some 3,000 unskilled and skilled workers have been employed, creating over 270,000 man-days of employment.

47. UNDP has also helped the Government to set up the donor assistance database. This system will play an increasingly useful role in informing decision-making by the Government, donors and the assistance community. In particular, disbursements will be tracked against the National Development Framework,

[2] Programme secretariats approved are: UNICEF for education, WHO for health, UN-Habitat for urban development, FAO for natural resources, UNHCR for return and reintegration, UNESCO for culture and media, the Mine Action Centre for Afghanistan for the mine action subgroup, WFP for the food aid subgroup.

allowing for a clear comparison of funding to budget targets. Donors are encouraged to make their funding decisions available to this database to ensure that it is complete and up to date.

48. A central component of UNAMA's mandate is to encourage and support national capacity. The support for the payment of the salaries of government civil servants and for office rehabilitation through the Afghan Interim Authority Fund will result in more long-term and structural support. United Nations and other external actors can assist the Government in widening its tax base, establishing a well-remunerated and merit-driven civil service, tracking donor support through the donor assistance database, and coordinating assistance efforts through the programme secretariats. It is envisaged that over a three-year period the United Nations will disengage from programmes and projects more appropriately run by Afghan entities. Government capacity will be supported at the subnational level, primarily through assistance to provincial coordination bodies and to provincial Governors' offices.

49. UNAMA expects to continue its close relationship with, and support for, the Afghanistan Assistance Coordination Authority or its successor. It will also finalize and agree on a transition strategy with the Government. This strategy will outline the steps necessary to build sufficient capacity to allow the Government to take full responsibility for the provision of basic social services. In this context, United Nations agencies will be expected to develop a clear strategy for building capacity in their counterpart ministries.

50. The period under review has been notable for some substantial achievements in the humanitarian and recovery work of the United Nations, its partners and the Government. Despite progress, however, constraints remain. The space for humanitarian action has expanded due to the generally improved security situation throughout the country, but severe security limitations for aid agencies remain in some areas. Of great concern are the various attacks of the kind mentioned earlier in the present report (see para. 18), carried out against international aid organizations in the north. There are also worrying reports of increased harassment of Afghan internally displaced persons, including a number of such incidents in Sar-e-Pul and, reportedly, in Herat. Thousands of Pashtun internally displaced persons in the south are reluctant to return to their areas of origin in the north and west for fear of harassment and discrimination.

51. Despite an uncertain security situation, more than 1.1 million refugees have been assisted by the Office of the United Nations High Commissioner for Refugees to return to Afghanistan this year; 1 million of them have come from Pakistan and 85,000 from Iran. A further 500,000 are expected by December 2002. In addition, an estimated 200,000 refugees have repatriated themselves spontaneously, without assistance. Approximately 200,000 internally displaced person returns have taken place, both assisted and spontaneous. While the return of so many refugees and internally displaced persons is a positive indicator, it is of some concern that well over 50 per cent of the refugees have returned to Kabul and Jalalabad, rather than their places of origin, seriously straining the infrastructure and the provision of basic social services, especially health and education.

52. The Ministry of Education, with the support of the United Nations Children's Fund (UNICEF) and a number of other stakeholders, launched a back-to-school campaign to help 1.78 million children return to school by 23 March. Initial results show that more than twice that number of children may have returned, with an estimated average of 29 per cent female participation assessed in three areas of the country. The Ministry of Education will provide more supplies to schools and accelerate the distribution of school textbooks and teaching resources to meet additional needs. In preparation for the September school term, 5,000 "schools in a box" will be supplied by UNICEF to equip 400,000 students and their teachers. UNICEF is also embarking on a programme to provide all schools with adequate water and sanitation facilities, in addition to comprehensively promoting hygiene education. The target of 1,500 schools will be met by the end of the year. UNICEF and non-governmental organizations are also making significant efforts to improve water and sanitation coverage in rural communities, especially those where large numbers of Afghans are returning.

53. In the health sector, four rounds of polio immunization have been planned for 2002. The first and second rounds were conducted in April and May and covered 5.8 million children, with women comprising a large proportion of the vaccination teams in all parts of the country for the first time in more than five years. A vitamin A campaign targeting 5 million

children was initiated this month. Other interventions have included the provision of essential drugs and medical supplies, covering some 7 million people, the development of mental health services and the rebuilding of infrastructure for reproductive health and maternal and child health care. The World Health Organization has established an office at the National Tuberculosis Institute to support the National Tuberculosis Control Programme.

54. The Mine Action Programme for Afghanistan has increased its activities in 2002: 5,460,174 square metres of suspected mine-contaminated area have been surveyed and marked; 16,225,289 square metres of battle area have been marked; 32,091,000 square metres of surveyed area have been returned to communities for productive use; and 23,825,611 square metres of high priority mine- and unexploded ordinance-contaminated area was cleared during the first quarter of 2002. In addition, 4,400 mine personnel have been trained in disposal techniques for cluster bombs in battle areas.

55. In the food aid and food security sectors, the World Food Programme (WFP) has conducted 58 rapid assessment missions in rural Afghanistan. Preliminary findings highlight persistent malnutrition, indicating a pressing need for food aid in the pre-harvest hunger period. Large-scale food security programming is needed over the long term to reduce the scale of the problem next year and to address severe vulnerability in general. In the meantime, the sale of household assets continues, more children are being pushed into the labour market to support their families, and early marriages are reported to be commonplace. WFP is stepping up efforts to feed about 9 million people until the harvest in July, although the increasing numbers of returning refugees are stretching food aid resources. Overall food pipeline shortages are still a significant issue, forcing a scaling back of ration sizes and reducing WFP's ability to meet urgent needs. Of the $285 million requested to fund its projects in Afghanistan until the end of year, a total of $102 million is still lacking, representing a shortfall of 175,000 tons of food.

56. The joint WFP/Food and Agriculture Organization of the United Nations crop assessment mission has begun in Afghanistan, and information on all areas will be available shortly. There is a marked rise in expected agricultural output in most parts of the country, because of higher annual rainfall in early 2002 compared with that of the last three years. Despite this, preliminary indications are that drought may continue in the southern, eastern and central parts of the country. Lack of precipitation and snow cover has been a factor in the resumption of poppy cultivation, since poppies are drought-resistant and farmers need to irrigate a far smaller area for the same economic gain.

57. Nutrition assessments undertaken by UNICEF, WFP and non-governmental organization partners in recent months have highlighted high levels of chronic malnutrition and micronutrient deficiencies among women and children in particular, especially in drought-affected areas. This analysis points to the need for continued targeting of food aid to the most vulnerable populations. During May 2002, the extent of Afghanistan's vulnerability crisis was confirmed in a study conducted by Tufts University. This assessment — the broadest conducted since the recent crisis began — was based on a survey of 1,100 households. It focused attention on the cumulative effects of drought and conflict on the vulnerability and coping strategies of Afghan households. The main finding of the study was that despite recent improvements in the political environment, increased aid and more favourable recent weather patterns, food insecurity and socio-economic vulnerabilities across the country were likely to persist over the next 18 months, requiring continued and substantial emergency programming. A key implication of the report was that conditions were likely to deteriorate further in view of the higher-than-expected numbers of internally displaced persons and refugees returning to vulnerable areas of the country.

58. It is clear that a humanitarian crisis of considerable magnitude will continue well into next year. The key challenge for the United Nations and its partners is to help as many people as possible escape their vulnerable status through recovery programmes while continuing to address humanitarian needs. We will be able to meet this challenge only with the timely and generous support of the international community, particularly those donors who made generous commitments at the Tokyo Conference in January.

VII. Mission support

59. The mission support component of UNAMA has concentrated on the provision of the immediate support requirements to establish UNAMA and concurrent

logistic support for the Loya Jirga. Effective communications have been established for all seven regional offices. Medical support has been provided and will be further enhanced with the addition of a clinic in the autumn. Air operations have been established, and an aviation safety programme is in place. Training is under way to meet the immediate needs of international and national staff: courses have been held in driver training, first aid and local cultural awareness. In the longer term, training will be a key element in the mission's ability to reduce international mission support staff. Work has therefore begun to develop English-language training and computer courses for national staff and to identify further training needs. Priorities for the mission support component in the coming period include the continuing integration of elements of the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan into UNAMA, and the preparation of logistics and administrative plans to ensure that the mission is able to function effectively throughout the winter.

VIII. Observations

60. **The peace process initiated in Bonn continues to move forward, albeit slowly. So far, all the steps provided for in the Bonn Agreement have been implemented in a timely fashion. It should not be forgotten that the Bonn process is just that: a process, and a long one. Nor should it be forgotten that the fall of the Taliban only ended the large-scale fighting between large military formations. The other factions have neither disbanded nor disarmed; nor have they been integrated into any sort of national formation.**

61. **The Taliban themselves have not formally given up. They may have been significantly weakened, with those left being effectively contained by the anti-terrorist coalition headed by the United States of America. But they are still present, along with remnants of Al-Qa'idah.**

62. **The Emergency Loya Jirga was prepared and held against this background of limited progress, during the short period — six months — since the Bonn Conference. I had repeatedly warned that the Loya Jirga would be a major challenge, and that many difficulties would need to be overcome to make it happen. My Special Representative also conveyed this message on every occasion.**

63. **That expectations were high, and reached unrealistically high levels as the Loya Jirga assembled, is a tribute both to the achievements of the Interim Administration of Afghanistan and the work of the Special Independent Commission for the Convening of the Emergency Loya Jirga. The support of the United Nations for that Commission has been recognized widely.**

64. **It is noteworthy that an enormous logistical undertaking such as the Loya Jirga, with all the attendant political complexities and sensitivities, was carried out within the very tight schedule provided for in Bonn. During the 10 days in which delegates were assembled, no significant security incidents occurred, and the Loya Jirga managed to complete all three tasks set forth in Bonn: election of the Head of State, approval of the structures and appointment of the "key personnel" of the Transitional Authority. The election by Afghans of their first leader after 23 years of conflict, in what was widely considered to have been as close as possible to a free and fair ballot, was a major achievement, as was the participation of an unprecedented number of women delegates.**

65. **Although there were imperfections in the nomination and selection of delegates, the members of the Loya Jirga ultimately constituted a representative sampling of Afghan society. Furthermore, despite efforts at intimidation, many delegates showed great courage and determination by speaking out and expressing controversial positions on a wide range of issues. Delegates realized that most of their important problems and concerns — security, health, education, jobs — were shared by others throughout the country, and many urged that differences be set aside for the sake of national unity. These moments provided hope that the first tentative steps in the process of national reconciliation and unity have now been taken.**

66. **The United Nations has fulfilled its mandate with respect to the Loya Jirga, but its role and responsibilities do not end here. In the coming months, the United Nations system and the international community, in accordance with their mandate, must do their best to assist President Karzai and his Administration. The main tasks**

ahead will be the establishment of a constitutional commission for the drafting of a new Constitution; the convening, within 18 months, of a constitutional Loya Jirga; and preparations for general elections.

67. If the peace process is to succeed, humanitarian and recovery activities must continue alongside these critical political steps. However, donor funding has followed an uneven pattern since the launch of the United Nations Donor Alert in October 2001. Until mid-April 2002, funding made available through the Immediate and Transitional Assistance Programme, the Afghan Interim Authority Fund and bilateral channels amounted to more than $1.1 billion. However, since mid-April, resource flows for humanitarian and recovery activities have slowed dramatically. This slowdown in donor disbursements has caused potentially serious disruptions to programmes addressing the most urgent needs around the country, particularly programmes supporting the return of refugees and internally displaced persons. Of even greater concern is the lack of funding available to the Government to fund its basic services and extend its presence beyond Kabul.

68. In order to fulfil its mandate, and to justify the trust placed in the United Nations by the Afghan people, UNAMA will continue its innovative programme of integration so as to make the best and most efficient use of United Nations assets in Afghanistan. In addition to integrating all elements of the Mission, the United Nations will continue to seek modalities of cooperation with the Transitional Administration that enhance capacity-building and facilitate the eventual transfer of programmes to a competent Afghan Government. The United Nations will also continue to work closely with the international community to ensure that relief, recovery and reconstruction proceed in a timely, coordinated and well-resourced manner.

69. Continuing insecurity in many parts of the country entails the risk of impeding, or even setting back, progress on the political front. In northern Afghanistan in particular, repeated attacks on humanitarian workers have created a climate that has led many aid organizations to consider cutting or curtailing their operations in the region. It is up to local authorities to honour their commitment to address the lack of security and bring the perpetrators of such crimes to justice. Otherwise, this trend could also affect the willingness of donors to invest in recovery and reconstruction projects in the region, which is one of the neediest areas of the country. Until a national army has been formed, and in the absence of an ISAF presence outside of Kabul, this climate of insecurity will be difficult to eliminate. I continue, therefore, to strongly advocate a limited expansion of ISAF beyond Kabul.

70. As the peace process moves forward, there are bound to be new problems, and perhaps even setbacks. President Karzai and his team, along with the people of Afghanistan and the international community, must continue to work together on all fronts — political, security, humanitarian and recovery — with patience and determination, and with neither complacency nor needless panicking, to ensure that peace is consolidated and stability is achieved.

71. Finally, I want to thank my Special Representative and the entire UNAMA team very warmly for their commitment and dedication in helping to bring the Afghan peace process successfully through the Loya Jirga and into the Transitional Administration phase. UNAMA staff members, under the wise and inspired leadership of Lakhdar Brahimi, have endured difficult conditions, long hours, much stress and no rest over the past six months. Yet they have delivered quality results in all of their activities, be they political, humanitarian, developmental, logistical or administrative. I look forward to the continued success of this very important Mission.

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Letter dated 8 July 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the continuing failure of the Lebanese Government to act, in accordance with its international obligations, to bring an end to ongoing violations of the Blue Line by the terrorist organization Hizbullah.

In recent weeks, Hizbullah terrorists have repeatedly fired shells at targets on the Israeli side of the Blue Line. These shells have fallen on civilian towns and villages in northern Israel, forcing residents to seek refuge in bomb shelters. On 23 June, a shell fell on the Israeli village of Kfar Yuval in the eastern Galilee, dropping through the roof and into the living room of a private home. The following day, Hizbullah launched another attack, firing a barrage of anti-aircraft shells over parts of the northern Galilee. Burning shrapnel fell in a number of communities, sending people running for cover.

It is clear from these developments that Lebanon is refusing to comply with the resolutions of the Security Council and to fully commit itself to the global counter-terrorism campaign. Lebanon prefers to pay lip service to this effort while at the same time continuing to harbour, support and encourage terrorists and permitting them to build an infrastructure in Lebanese territory, including the accumulation of thousands of Katyusha rockets capable of striking civilian targets inside Israel. Lebanon's duplicitous policy was exemplified by the letter dated 20 June 2002 (A/56/994-S/2002/687) from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations, in which he denied both Hizbullah's terrorist intentions and credible reports that Al-Qaida terrorists are present in Lebanese territory.

Such denials fly in the face of all that is known about Hizbullah and its lengthy and well-documented history of global terrorism, conducted with the active support of the Governments of Syria and Iran. In the nearly two decades since its founding, the organization and its operatives have been involved in numerous terrorist actions, both in the Middle East and beyond, including the bombing of the Multinational Force headquarters in Beirut in 1983, which claimed the lives of 240 United States Marines and 58 French soldiers; the hijacking of a TWA jetliner in June 1985; the

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bombing of the Embassy of Israel in Buenos Aires in 1992; and the bombing of the AMIA Jewish Community Centre in the same city in 1994.

Hizbullah's terrorist operations across the Blue Line have continued in the past two years, despite Israel's full withdrawal from Lebanese territory and full compliance with resolution 425 (1978), as confirmed by both the Secretary-General and the Security Council. Hizbullah has knowingly endangered civilian communities on both the Israeli and the Lebanese sides of the Blue Line, kidnapped and killed Israeli soldiers, and attempted to lure civilians to meetings under false pretences with the express purpose of taking them hostage. On Monday, in an interview with the newspaper *Asharq al-Awsat*, Sheikh Mohammed Ra'ad, a member of the Lebanese Parliament and a leader of Hizbullah's political faction, said that the Blue Line was a "superpower's demarcation and we don't recognize it".

Hizbullah's support for, and commitment to, acts of terrorism is made clear by the increasingly belligerent statements of the organization's leadership, which include praise for Palestinian suicide bombers and pledges of continued support for terrorist activities targeting Israeli civilians. Hizbullah leader Sheikh Hassan Nasrallah, in a speech on 6 June 2002, said the following regarding Palestinian suicide bombings:

> "The most effective and important weapon that tends to be enormously available, protected, used when needed, and continuously insured, is the act of martyrdom ... It is a very simple action yet it is very efficient ... Unfortunately we all have heard over the past few weeks some officials of the Palestinian Authority tending to present the act of martyrdom as being a reason, which leads to the destruction of the Palestinian people. This means they are trying to say that the act of martyrdom is not only useless, but in addition it causes harm to the national aspect, and this is a very dangerous say. Doubting the legitimacy, morality, and benefits of this weapon must be confronted." (translation taken from http://www.hizbollah.org/english/amin/k2002/k20020618.htm)

These Hizbullah actions come amid a growing number of troubling reports of Al-Qaida activity in Lebanon. In recent years Al-Qaida has established a broad infrastructure in Lebanon, centred mainly in the Ein Hilweh refugee camp near Sidon, but the organization's presence has increased in the last few months as operatives have fled Afghanistan and sought safe haven in Lebanese territory. Al-Qaida's Lebanon operations are headed by Abu Mohammed al-Masri, a terrorist leader who was deeply involved in the plot to attack American and Israeli targets in Jordan in 1999. Al-Qaida has also been affiliated with the Lebanese-Palestinian group Asbat al-Ansar, to which it has provided funding; the leader of Asbat al-Ansar, known as Abu Muhjin, is currently in hiding in Ein Hilweh.

Both the Secretary-General and the Security Council have affirmed the need to respect the integrity of the Blue Line and the responsibility of the Government of Lebanon to ensure a calm environment in southern Lebanon. The Secretary-General, in his statement to the Security Council on 20 May 2002, reaffirmed that any attack across the Blue Line, including in the Shab'a Farms area, constitutes a violation of Security Council resolutions. For its part, the Security Council has confirmed Israel's full compliance with resolution 425 (1978) and has called upon the Government of Lebanon to fulfil its remaining obligations under that and subsequent resolutions.

Lebanon has yet to respond to these calls and currently stands in breach of international law and Security Council resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001), 1365 (2001) and 1391 (2002), which call for the restoration of effective Lebanese authority in the area. The Government of Lebanon is also in violation of Security Council resolution 1373 (2001) and established principles of international law, which clearly call upon all States to refrain from providing any support, whether active or passive, to all persons or entities involved in terrorist acts, and to ensure that their territory is not used as a base for cross-border attacks. Lebanon has also failed to comply with other provisions of that resolution, most significantly by refusing to freeze the assets of Hizbullah or close down the offices of the rejectionist Palestinian organizations that operate in Beirut.

No amount of finger-pointing can blur the undeniable fact that the cause of instability along the Blue Line is the abject failure of the Lebanese Government to fulfil its responsibilities under relevant Security Council resolutions and international law and its continuing refusal to resolve disputes by peaceful means, as mandated by the Charter of the United Nations. Were Lebanon, rather than engaging in apportioning blame and diversionary tactics, to simply meet the obligations required of all States to prevent their territory from serving as a base for terrorist attacks, tensions in the area would be immeasurably defused. It is incumbent upon the international community to make clear to Lebanon, as well as to the Governments of Iran and Syria, that it will not tolerate their continued support for illegal cross-border attacks that jeopardize international peace and security.

The present letter is submitted as a follow-up to previous letters concerning the dangerous situation in southern Lebanon caused by the illegal attacks perpetrated by Hizbullah across the Blue Line, dated 10 April 2002 (A/56/913-S/2002/374), 3 April 2002 (A/56/899-S/2002/348), 2 April 2002 (A/56/898-S/2002/345), 21 March 2002 (A/56/884-S/2002/301), 24 January 2002 (A/56/793-S/2002/115), 17 January 2002 (A/56/778-S/2002/79), 24 October 2001 (A/56/507-S/2001/1012), 5 October 2001 (A/56/443-S/2001/942), 6 July 2001 (A/56/161-S/2001/673), 16 April 2001 (S/2001/367), 16 February 2001 (A/55/792-S/2001/142), 6 February 2001 (A/55/767-S/2001/111), 26 November 2000 (S/2000/1121), 23 October 2000 (S/2000/1011), 19 October 2000 (S/2000/1002) and 7 October 2000 (S/2000/969).

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations A/56/1002–S/2002/745

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Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 8 July 2002 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

I have the honour to transmit the text (in English and Spanish) of the Inter-American Convention against Terrorism, adopted at the thirty-second regular session of the General Assembly of the Organization of American States, held at Bridgetown, Barbados on 3 June 2002 (see annex).

I should be grateful if you would have the text of the Convention circulated as a document of the General Assembly, under agenda item 166 entitled "Measures to eliminate international terrorism", and of the Security Council.

(*Signed*) Adolfo Aguilar **Zinser**
Permanent Representative of Mexico to the United Nations

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Annex to the letter dated 8 July 2002 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

[Original: English and Spanish]

AG/RES. 1840 (XXXII-O/02)

INTER-AMERICAN CONVENTION AGAINST TERRORISM

(Adopted at the second plenary session held on June 3, 2002)

THE GENERAL ASSEMBLY,

REAFFIRMING the principles and provisions contained in the Charter of the Organization of American States and the Charter of the United Nations;

RECOGNIZING the threat that terrorism poses to democratic values and international peace and security, and that it is a source of profound concern to all member states;

CONVINCED that the Charter of the Organization of American States and international law constitute the appropriate framework for strengthening hemispheric cooperation for the prevention, combating, and elimination of terrorism in all its forms and manifestations;

BEARING IN MIND resolution RC.23/RES. 1/01 rev. 1 corr. 1, "Strengthening Hemispheric Cooperation to Prevent, Combat, and Eliminate Terrorism," of the Twenty-Third Meeting of Consultation of the Ministers of Foreign Affairs of September 21, 2001, which entrusted the Permanent Council with preparing a Draft Inter-American Convention against Terrorism;

RECALLING the Declaration of Lima to Prevent, Combat, and Eliminate Terrorism and the Plan of Action on Hemispheric Cooperation to Prevent, Combat, and Eliminate Terrorism, adopted within the framework of the First Inter-American Specialized Conference on Terrorism, in Lima, Peru, in April 1996, as well as the Commitment of Mar del Plata, adopted at the Second Inter-American Specialized Conference on Terrorism, and the work of the Inter-American Committee against Terrorism (CICTE);

CONSIDERING that terrorism is a serious criminal phenomenon, which is of deep concern to all member states; attacks democracy; impedes the enjoyment of human rights and fundamental freedoms; threatens the security of states, destabilizing and undermining the foundations of all society; and seriously impacts the economic and social development of the states in the region;

BEARING IN MIND that the Inter-American Democratic Charter recognizes the commitment by member states to promote and defend representative democracy and that no democratic state can be indifferent to the clear threat that terrorism poses to democratic institutions and freedoms;

REAFFIRMING that the fight against terrorism must be undertaken with full respect for national and international law, human rights, and democratic institutions, in order to preserve the rule of law, liberties and democratic values in the Hemisphere, which are essential components of a successful fight against terrorism;

CONVINCED that the adoption, ratification, and effective implementation of the Inter-American Convention against Terrorism contribute to the progressive development and the codification of international law;

UNDERSCORING the importance of effective action in cutting off the supply of funds for terrorism, and of coordinated action with international entities competent in the area of money laundering, especially the Inter-American Drug Abuse Control Commission (CICAD);

RECOGNIZING the urgency of strengthening and establishing new forms of regional cooperation against terrorism with a view to its eradication; and

RECOGNIZING the importance and timeliness of the existing international legal instruments on combating terrorism, including the 10 international instruments considered for the text of the Inter-American Convention against Terrorism itself, as well as the Convention to Prevent and Punish the Acts of Terrorism Taking the Forms of Crimes against Persons and Related Extortion That Are of International Significance, adopted by the General Assembly itself on February 2, 1971; the Convention on Offences and Certain Other Acts Committed on Board Aircraft, adopted in Tokyo on September 14, 1963; and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, adopted in Montreal on March 1, 1991,

RESOLVES:

1. To adopt the Inter-American Convention against Terrorism attached to this resolution and to open it for signature by the member states on this date.

2. To urge member states to ratify the Convention as soon as possible, in accordance with their constitutional procedures.

3. To request the Secretary General to present a report to the General Assembly at its thirty-third regular session on progress made toward the Convention's entry into force.

INTER-AMERICAN CONVENTION AGAINST TERRORISM

THE STATES PARTIES TO THIS CONVENTION,

BEARING IN MIND the purposes and principles of the Charter of the Organization of American States and the Charter of the United Nations;

CONSIDERING that terrorism represents a serious threat to democratic values and to international peace and security and is a cause of profound concern to all member states;

REAFFIRMING the need to adopt effective steps in the inter-American system to prevent, punish, and eliminate terrorism through the broadest cooperation;

RECOGNIZING that the serious economic harm to states which may result from terrorist acts is one of the factors that underscore the need for cooperation and the urgency of efforts to eradicate terrorism;

REAFFIRMING the commitment of the states to prevent, combat, punish, and eliminate terrorism; and

BEARING IN MIND resolution RC.23/RES. 1/01 rev. 1 corr. 1, "Strengthening Hemispheric Cooperation to Prevent, Combat, and Eliminate Terrorism," adopted at the Twenty-third Meeting of Consultation of Ministers of Foreign Affairs,

HAVE AGREED TO THE FOLLOWING:

Article 1
Object and purposes

The purposes of this Convention are to prevent, punish, and eliminate terrorism. To that end, the states parties agree to adopt the necessary measures and to strengthen cooperation among them, in accordance with the terms of this Convention.

Article 2
Applicable international instruments

1. For the purposes of this Convention, "offenses" means the offenses established in the international instruments listed below:

   a. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970.

   b. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971.

   c. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973.

d. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979.

e. Convention on the Physical Protection of Nuclear Material, signed at Vienna on March 3, 1980.

f. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on February 24, 1988.

g. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988.

h. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on March 10, 1988.

i. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997.

j. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on December 9, 1999.

2. Upon depositing its instrument of ratification to this Convention, a state party that is not a party to one or more of the international instruments listed in paragraph 1 of this article may declare that, in application of this Convention to such state party, that particular instrument shall be deemed not to be included in that paragraph. The declaration shall cease to have effect as soon as that instrument enters into force for that state party, which shall notify the depositary of this fact.

3. When a state party ceases to be a party to one of the international instruments listed in paragraph 1 of this article, it may make a declaration, as provided in paragraph 2 of this article, with respect to that instrument.

Article 3
Domestic measures

Each state party, in accordance with the provisions of its constitution, shall endeavor to become a party to the international instruments listed in Article 2 to which it is not yet a party and to adopt the necessary measures to effectively implement such instruments, including establishing, in its domestic legislation, penalties for the offenses described therein.

Article 4
Measures to prevent, combat, and eradicate the financing of terrorism

1. Each state party, to the extent it has not already done so, shall institute a legal and regulatory regime to prevent, combat, and eradicate the financing of terrorism and for effective international cooperation with respect thereto, which shall include:

a. A comprehensive domestic regulatory and supervisory regime for banks, other financial institutions, and other entities deemed particularly susceptible to being used for the financing of terrorist activities. This regime shall emphasize requirements for customer identification, record-keeping, and the reporting of suspicious or unusual transactions.

b. Measures to detect and monitor movements across borders of cash, bearer negotiable instruments, and other appropriate movements of value. These measures shall be subject to safeguards to ensure proper use of information and should not impede legitimate capital movements.

c. Measures to ensure that the competent authorities dedicated to combating the offenses established in the international instruments listed in Article 2 have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed under its domestic law. To that end, each state party shall establish and maintain a financial intelligence unit to serve as a national center for the collection, analysis, and dissemination of pertinent money laundering and terrorist financing information. Each state party shall inform the Secretary General of the Organization of American States of the authority designated to be its financial intelligence unit.

2. When implementing paragraph 1 of this article, states parties shall use as guidelines the recommendations developed by specialized international and regional entities, in particular the Financial Action Task Force and, as appropriate, the Inter-American Drug Abuse Control Commission, the Caribbean Financial Action Task Force, and the South American Financial Action Task Force.

Article 5
Seizure and confiscation of funds or other assets

1. Each state party shall, in accordance with the procedures established in its domestic law, take such measures as may be necessary to provide for the identification, freezing or seizure for the purposes of possible forfeiture, and confiscation or forfeiture, of any funds or other assets constituting the proceeds of, used to facilitate, or used or intended to finance, the commission of any of the offenses established in the international instruments listed in Article 2 of this Convention.

2. The measures referred to in paragraph 1 shall apply to offenses committed both within and outside the jurisdiction of the state party.

Article 6
Predicate offenses to money laundering

1. Each state party shall take the necessary measures to ensure that its domestic penal money laundering legislation also includes as predicate offenses those offenses established in the international instruments listed in Article 2 of this Convention.

2. The money laundering predicate offenses referred to in paragraph 1 shall include those committed both within and outside the jurisdiction of the state party.

Article 7
Cooperation on border controls

1. The states parties, consistent with their respective domestic legal and administrative regimes, shall promote cooperation and the exchange of information in order to improve border and customs control measures to detect and prevent the international movement of terrorists and trafficking in arms or other materials intended to support terrorist activities.

2. In this context, they shall promote cooperation and the exchange of information to improve their controls on the issuance of travel and identity documents and to prevent their counterfeiting, forgery, or fraudulent use.

3. Such measures shall be carried out without prejudice to applicable international commitments in relation to the free movement of people and the facilitation of commerce.

Article 8
Cooperation among law enforcement authorities

The states parties shall work closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offenses established in the international instruments listed in Article 2. In this context, they shall establish and enhance, where necessary, channels of communication between their competent authorities in order to facilitate the secure and rapid exchange of information concerning all aspects of the offenses established in the international instruments listed in Article 2 of this Convention.

Article 9
Mutual legal assistance

The states parties shall afford one another the greatest measure of expeditious mutual legal assistance with respect to the prevention, investigation, and prosecution of the offenses established in the international instruments listed in Article 2 and proceedings related thereto, in accordance with applicable international agreements in force. In the absence of such agreements, states parties shall afford one another expeditious assistance in accordance with their domestic law.

Article 10
Transfer of persons in custody

1. A person who is being detained or is serving a sentence in the territory of one state party and whose presence in another state party is requested for purposes of identification,

testimony, or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offenses established in the international instruments listed in Article 2 may be transferred if the following conditions are met:

a. The person freely gives his or her informed consent; and

b. Both states agree, subject to such conditions as those states may deem appropriate.

2. For the purposes of this article:

a. The state to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the state from which the person was transferred.

b. The state to which the person is transferred shall without delay implement its obligation to return the person to the custody of the state from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both states.

c. The state to which the person is transferred shall not require the state from which the person was transferred to initiate extradition proceedings for the return of the person.

d. The person transferred shall receive, for time spent in the custody of the state to which he or she was transferred, credit toward service of the sentence being served in the state from which he or she was transferred.

3. Unless the state party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the state to which that person is transferred in respect of acts or convictions prior to his or her departure from the territory of the state from which said person was transferred.

Article 11
Inapplicability of political offense exception

For the purposes of extradition or mutual legal assistance, none of the offenses established in the international instruments listed in Article 2 shall be regarded as a political offense or an offense connected with a political offense or an offense inspired by political motives. Accordingly, a request for extradition or mutual legal assistance may not be refused on the sole ground that it concerns a political offense or an offense connected with a political offense or an offense inspired by political motives.

Article 12
Denial of refugee status

Each state party shall take appropriate measures, consistent with the relevant provisions of national and international law, for the purpose of ensuring that refugee status is not granted to any person in respect of whom there are serious reasons for considering that he or she has

committed an offense established in the international instruments listed in Article 2 of this Convention.

Article 13
Denial of asylum

Each state party shall take appropriate measures, consistent with the relevant provisions of national and international law, for the purpose of ensuring that asylum is not granted to any person in respect of whom there are reasonable grounds to believe that he or she has committed an offense established in the international instruments listed in Article 2 of this Convention.

Article 14
Nondiscrimination

None of the provisions of this Convention shall be interpreted as imposing an obligation to provide mutual legal assistance if the requested state party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, or political opinion, or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 15
Human rights

1. The measures carried out by the states parties under this Convention shall take place with full respect for the rule of law, human rights, and fundamental freedoms.

2. Nothing in this Convention shall be interpreted as affecting other rights and obligations of states and individuals under international law, in particular the Charter of the United Nations, the Charter of the Organization of American States, international humanitarian law, international human rights law, and international refugee law.

3. Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including the enjoyment of all rights and guarantees in conformity with the law of the state in the territory of which that person is present and applicable provisions of international law.

Article 16
Training

1. The states parties shall promote technical cooperation and training programs at the national, bilateral, subregional, and regional levels and in the framework of the Organization of American States to strengthen the national institutions responsible for compliance with the obligations assumed under this Convention.

2. The states parties shall also promote, where appropriate, technical cooperation and training programs with other regional and international organizations conducting activities related to the purposes of this Convention.

Article 17
Cooperation through the Organization of American States

The states parties shall encourage the broadest cooperation within the pertinent organs of the Organization of American States, including the Inter-American Committee against Terrorism (CICTE), on matters related to the object and purposes of this Convention.

Article 18
Consultations among the parties

1. The states parties shall hold periodic meetings of consultation, as appropriate, with a view to facilitating:

   a. The full implementation of this Convention, including the consideration of issues of interest relating thereto identified by the states parties; and

   b. The exchange of information and experiences on effective means and methods to prevent, detect, investigate, and punish terrorism.

2. The Secretary General shall convene a meeting of consultation of the states parties after receiving the 10th instrument of ratification. Without prejudice to this, the states parties may hold consultations as they consider appropriate.

3. The states parties may request the pertinent organs of the Organization of American States, including CICTE, to facilitate the consultations referred to in the previous paragraphs and to provide other forms of assistance with respect to the implementation of this Convention.

Article 19
Exercise of jurisdiction

Nothing in this Convention entitles a state party to undertake in the territory of another state party the exercise of jurisdiction or performance of functions that are exclusively reserved to the authorities of that other state party by its domestic law.

Article 20
Depositary

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States.

Article 21
Signature and ratification

1. This Convention is open for signature by all member states of the Organization of American States.

2. This Convention is subject to ratification by the signatory states in accordance with their respective constitutional procedures. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article 22
Entry into force

1. This Convention shall enter into force on the 30th day following the date of deposit of the sixth instrument of ratification of the Convention with the General Secretariat of the Organization of American States.

2. For each state ratifying the Convention after deposit of the sixth instrument of ratification, the Convention shall enter into force on the 30th day following the deposit by such state of its instrument of ratification.

Article 23
Denunciation

1. Any state party may denounce this Convention by written notification to the Secretary General of the Organization of American States. Denunciation shall take effect one year following the date on which notification is received by the Secretary General of the Organization.

2. Such denunciation shall not affect any requests for information or assistance made during the time the Convention is in force for the denouncing state.